

## Introduced by Senator Sher

February 20, 2003

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An act to amend Sections 3511, 4700, 5050, and 5515 of the Fish and Game Code, relating to fish and game.

## LEGISLATIVE COUNSEL'S DIGEST

SB 412, as introduced, Sher. Fish and game: fully protected species.

Existing law prohibits the taking or possession of any fully protected bird, mammal, reptile, amphibian, or fish except that the Fish and Game Commission is authorized to permit the collection of those species for necessary scientific research.

This bill would authorize the commission to permit the collection of those species for necessary scientific research, including efforts to recover those species.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3511 of the Fish and Game Code is  
2 amended to read:  
3 3511. (a) Except as provided in Section 2081.7, fully  
4 protected birds or parts thereof may not be taken or possessed at  
5 any time ~~and no~~. No provision of this code or any other law shall  
6 be construed to authorize the issuance of permits or licenses to take  
7 any fully protected bird, and no ~~such~~ permits or licenses heretofore  
8 issued shall have any force or effect for ~~any such~~ that purpose;  
9 ~~except that~~. However, the commission may authorize the



1 collecting of ~~such~~ *those* species for necessary scientific research,  
2 *including efforts to recover those species*, and may authorize the  
3 live capture and relocation of ~~such~~ *those* species pursuant to a  
4 permit for the protection of livestock. Legally imported fully  
5 protected birds or parts thereof may be possessed under a permit  
6 issued by the department.

7 (b) The following are fully protected birds:

- 8 (1) American peregrine falcon (*Falco peregrinus anatum*).
- 9 (2) Brown pelican.
- 10 (3) California black rail (*Laterallus jamaicensis coturniculus*).
- 11 (4) California clapper rail (*Rallus longirostris obsoletus*).
- 12 (5) California condor (*Gymnogyps californianus*).
- 13 (6) California least tern (*Sterna albifrons browni*).
- 14 (7) Golden eagle.
- 15 (8) Greater sandhill crane (*Grus canadensis tabida*).
- 16 (9) Light-footed clapper rail (*Rallus longirostris levipes*).
- 17 (10) Southern bald eagle (*Haliaeetus leucocephalus*  
18 *leucocephalus*).
- 19 (11) Trumpeter swan (*Cygnus buccinator*).
- 20 (12) White-tailed kite (*Elanus leucurus*).
- 21 (13) Yuma clapper rail (*Rallus longirostris yumanensis*).

22 SEC. 2. Section 4700 of the Fish and Game Code is amended  
23 to read:

24 4700. (a) Except as provided in Section 2081.7, fully  
25 protected mammals or parts thereof may not be taken or possessed  
26 at any time ~~and no~~. *No* provision of this code or any other law shall  
27 be construed to authorize the issuance of permits or licenses to take  
28 any fully protected mammal, and no permits or licenses heretofore  
29 issued shall have any force or effect for that purpose. However, the  
30 commission may authorize the collecting of those species for  
31 necessary scientific research, *including efforts to recover those*  
32 *species*. Legally imported fully protected mammals or parts  
33 thereof may be possessed under a permit issued by the department.

34 (b) The following are fully protected mammals:

- 35 (1) Morro Bay kangaroo rat (*Dipodomys heermanni*  
36 *morroensis*).
- 37 (2) Bighorn sheep (*Ovis canadensis*), except Nelson bighorn  
38 sheep (subspecies *Ovis canadensis nelsoni*) as provided by  
39 subdivision (b) of Section 4902.
- 40 (3) Northern elephant seal (*Mirounga angustirostris*).



- 1 (4) Guadalupe fur seal (*Arctocephalus townsendi*).
- 2 (5) Ring-tailed cat (genus *Bassariscus*).
- 3 (6) Pacific right whale (*Eubalaena sieboldi*).
- 4 (7) Salt-marsh harvest mouse (*Reithrodontomys raviventris*).
- 5 (8) Southern sea otter (*Enhydra lutris nereis*).
- 6 (9) Wolverine (*Gulo luscus*).

7 SEC. 3. Section 5050 of the Fish and Game Code is amended  
8 to read:

9 5050. (a) Except as provided in Section 2081.7, fully  
10 protected reptiles and amphibians or parts thereof may not be taken  
11 or possessed at any time ~~and no~~. *No* provision of this code or any  
12 other law shall be construed to authorize the issuance of permits  
13 or licenses to take any fully protected reptile or amphibian, and no  
14 ~~such~~ permits or licenses heretofore issued shall have any force or  
15 effect for ~~any such that~~ purpose; ~~except that~~. *However*, the  
16 commission may authorize the collecting of ~~such~~ *those* species for  
17 necessary scientific research, *including efforts to recover those*  
18 *species*. Legally imported fully protected reptiles or amphibians or  
19 parts thereof may be possessed under a permit issued by the  
20 department.

21 (b) The following are fully protected reptiles and amphibians:

- 22 (1) Blunt-nosed leopard lizard (*Crotaphytus wislizenii silus*).
- 23 (2) San Francisco garter snake (*Thamnophis sirtalis*  
24 *tetrataenia*).
- 25 (3) Santa Cruz long-toed salamander (*Ambystoma*  
26 *macrodactylum croceum*).
- 27 (4) Limestone salamander (*Hydromantes brunus*).
- 28 (5) Black toad (*Bufo boreas exsul*).

29 SEC. 4. Section 5515 of the Fish and Game Code is amended  
30 to read:

31 5515. (a) Except as provided in Section 2081.7, fully  
32 protected fish or parts thereof may not be taken or possessed at any  
33 time ~~and no~~. *No* provision of this code or any other law shall be  
34 construed to authorize the issuance of permits or licenses to take  
35 any fully protected fish, and no ~~such~~ permits or licenses heretofore  
36 issued shall have any force or effect for ~~any such that~~ purpose;  
37 ~~except that~~. *However* the commission may authorize the collecting  
38 of ~~such~~ *those* species for necessary scientific research, *including*  
39 *efforts to recover those species*. Legally imported fully protected

- 1 fish or parts thereof may be possessed under a permit issued by the  
2 department.
- 3 (b) The following are fully protected fish:
- 4 (1) Colorado River squawfish (*Ptychocheilus lucius*).  
5 (2) Thicktail chub (*Gila crassicauda*).  
6 (3) Mohave chub (*Gila mohavensis*).  
7 (4) Lost River sucker (*Catostomus luxatus*).  
8 (5) Modoc sucker (*Catostomus microps*).  
9 (6) Shortnose sucker (*Chasmistes brevirostris*).  
10 (7) Humpback sucker (*Xyrauchen texanus*).  
11 (8) Owens River pupfish (*Cyprinodon radiosus*).  
12 (9) Unarmored threespine stickleback (*Gasterosteus aculeatus*  
13 *williamsoni*).  
14 (10) Rough sculpin (*Cottus asperimus*).

